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SUBJECT: GEORGIA: 2009 WORST FORMS OF CHILD LABOR REPORT

REF 08 STATE 131997

¶1. Summary: Child labor is uncommon in Georgia because of societal norms, legal prohibitions against it and high unemployment has resulted in a large pool of adult workers willing to work for low wages. There have been no reported cases of forced child labor or exploitive child labor. While child labor is not considered a problem, there is no official source of data on the extent of child labor in Georgia. Georgia does not have a comprehensive policy aimed at eliminating the worst forms of child labor, but has legal prohibitions against exploitive labor practices and implements a number of programs to improve educational opportunities for disadvantaged youth and social programs to help street children. Russia's August 2008 invasion of Georgia led to both internal and external displacement of large numbers of people, including children. Efforts of the Government of Georgia and international donor organizations were directed towards reducing the negative effect of the war on children, especially Internally Displaced Persons (IDP). End Summary.

Prevalence and Sectoral Distribution of Exploitive Child Labor: Street Children

¶2. In general, the employment of minors under the age of 16 is not considered a problem in Georgia given the high rate of unemployment and concurrent availability of an adult labor force willing to work in low paying jobs. The most visible form of child labor is street begging in Tbilisi. Many of these children are ethnic Roma.

¶3. The number of so-called street children is not considered to be high and is decreasing year-by-year. According to a 1999 UNICEF study, there were an estimated 2,500 children living and working in the street. A 2007-2008 study by the NGO Save the Children indicates that the number has decreased to around 1,500.

¶4. In May 2006, at the initiative of the Georgian Parliament, the Street Children Working Group (SCWG) was established by Save the Children, with the participation of government and non-governmental organizations with the aim of studying social conditions that lead to street children; collect more accurate data; and develop recommendations and appropriate programs to reduce their numbers and address their problems.

¶5. The study reveals that street children in Georgia are a manifestation of numerous socio-economic problems vulnerable children and their families encounter in the country, rather than a stand alone phenomenon. In general, street children in urban areas are primarily boys, 5 to 14 years of age, who mostly sustain themselves by begging. They are on the street mainly during daylight hours without an accompanying adult, although most of them have at least one parent and other relative(s) with whom they live. The majority of street children in Georgia are attempting to make money to sustain themselves and their families. Most of them utilize one or two major income generating strategies. The most

prevalent are begging, especially among younger children and girls, and through menial tasks such as petty trade, carrying goods, collecting glass or scrap metal, and car washing. Cases of commercial sex work are rarely reported.

¶16. School enrollment rate in general is very high in Georgia. According to Ministry of Education and Science, it was 95 percent for primary/basic and 76 percent for secondary schooling in 2007. However, around one-half of the street children in Georgia are illiterate. Begging typically excludes the possibility to go to school, while 20 percent of working children still try to combine school, while 20 percent of working children still try to combine school enrollment with economic activities.

¶17. Agricultural activities on family farms are common. Many minors under the age of 16 work and perform chores on small family-owned farms in rural areas, though this activity is not considered harmful and is not governed by labor legislation. Currently, the GoG lacks any mechanism that would allow reasonable assessment of numbers or working conditions for these children.

¶18. In 2007 the Association of Employees of Georgia conducted a survey of "Child Labor in the Agricultural Sector" to study the effect of employment on the development of working children in agriculture, namely, fruit growing. The survey interviewed 200 households; both parents and children. The main employment practices included care of sister/brother and other family members, cleaning/tidying up the yard, feeding domestic animals, chopping wood, soil cultivation and gathering the harvest. Almost all such children worked only in their own households. The study focused on issues such as the effect of employment on children's health and education. Only one in ten children said that employment hinders them from studying. However, the study observed a negative impact on children's health. Adolescents who are involved in agricultural

sector get sick more often than other children. The study did not confirm a hypothesis that working children are less involved in social activities.

Laws Proscribing Child Labor

¶19. Georgia does not have a separate set of laws governing child labor. Provisions related to child labor are included in the general Labor Code, which entered into force in June 2006 and no new laws and regulations have been enacted since then.

¶110. Article 4 of the Labor Code specifies that the minimum age for employment in Georgia is 16. This minimum age is consistent with completion of mandatory educational requirements, as both primary and basic education in Georgia are compulsory from age 6 or 7 to age 16. Minors under 16 are permitted to work only with the consent of their parents or guardians and if the employment does not conflict with the minor's interests; namely that it does not affect his moral, physical, or mental development and does not limit his right to mandatory education.

¶111. Under the Code, it is prohibited to employ a minor under 16 for the performance of hard and hazardous work. It is also prohibited to employ a minor under 16 for work related to gambling, night entertainment institutions, or for the production, carriage or sale of pornographic products, pharmaceutical or toxic substances. Employment of children under 14 is allowed only with regard to sports, arts and cultural activities, as well as for advertising purposes.

¶112. According to Article 35 of the Code, an employer is required to provide all employees with working conditions that are safe for the employee's life and health. To meet the requirements of ILO Convention 182, the Healthcare and Social Security Ministry of Georgia issued a regulation in May 2007 defining "hard, hazardous and worst" forms of labor. The regulation also contains a classification of labor conditions by industry factors and hazardous effects. ILO experts, based on a complaint from Georgia's Trade Unions, note a discrepancy between Georgian law and ILO Convention 138. The ILO convention mandates that hard, unhealthy and hazardous work be prohibited for children below the age of 18, while the Trade Unions assert that Georgian law bans it only for children under 16. The Georgian government's official position is that according to

the Article 4, paragraph 1, children are able to work at the age 16,; however, the same article prohibits employment of a minor in hard, hazardous, and worst forms of labor. The article when read in conjunction with another Georgian article which defines minors as individuals under age 18 effectively prohibits such employment.

¶13. In Article 18 of the Code, employment of a minor during night hours, defined as from 10:00 pm to 6:00 am, is prohibited. According to Article 39 of the Code, a parent or guardian of a minor or a legally authorized state body may demand the termination of a labor contract concluded with a minor if continuation of the work might damage the life, health and other vital interests of the minor.

Regulations for Implementation and Enforcement of Proscriptions against Child Labor

¶14. Article 171 of the Criminal Code of Georgia imposes punishment for involving a minor in the following activities:

-- Persuading a minor into begging or any other anti-public activity is punishable by community service or by imprisonment for up to two years in length.

-- Involving a minor in prostitution without violence, threat of violence or deception is punishable by imprisonment from two to five years in length.

-- involving a minor in abuse of an intoxicant or any other medical Q-- involving a minor in abuse of an intoxicant or any other medical substance is punishable by probation for up to three years, or by imprisonment for up to three years.

¶15. The criminal code prohibits the employmnt of a minor in prostitution, production of pornographic material or presentation. Also, according to Article 255 of the Criminal Code, the production, sale, distribution or promotion of a pornographic work containing an image of a minor is punishable by fine, by community service for up to three years, or by imprisonment for up to three years. Article 255 also imposes a prison term from 2 to 5 years for involving a minor in the production of pornographic material. If any of the above violations are committed by a business or organization, the punishment includes fines and removal of operating permits.

¶16. A legislative initiative that was supposed to be passed by Parliament in 2009, was drafted in 2007, by a group composed of representatives of international donor organizations, Georgia's largest internet providers, the prosecutor's office, parliamentary staff, the Georgia National Communication Commission, foreign experts and UNICEF. The legislation is designed to improve the ability of the Ministry of Internal Affairs and Prosecutor's office to combat child pornography. The law would complement existing legislation and criminalize the possession, distribution, production and advertising of child pornography. It would also provide protection for the identity of the victims, witnesses and the accused, and would impose punishment on media sources for disclosing such information. The draft provides for removal of the child from a harmful situation and his or her placement in the best possible environment. The draft law was submitted for Parliament's approval early in 2008; however, because of the Georgia-Russia war of August 2008 and related political and economic crisis, the hearing of the draft law was postponed and remains pending.

Laws Proscribing Trafficking of Minors

¶17. Article 1432 imposes punishment for trafficking minors. Purchase or sale of or conducting an illegal transaction in relation to a minor as well as winning over, carriage, concealment, hiring, transportation, handover, providing shelter or receipt of such minor for exploitation shall be punishable by imprisonment from eight to twelve years in length, with deprivation of the right to hold office or engage in a particular activity for the term of one year. The same action committed by abusing one's official position, or against the one being in a helpless condition or the one being dependent on the criminal materially or otherwise, knowingly by the criminal

shall be punishable by imprisonment from eleven to fifteen years in length, with deprivation of the right to hold office or engage in a particular activity for the term of two years. The same action committed a) repeatedly, b) by coercion, blackmail or deception, c) against two or more minors, d) by taking the victim abroad, e) under violence dangerous for life or health or under threat of such violence - shall be punishable by imprisonment ranging from fourteen to seventeen years in length, with deprivation of the right to hold office or engage in a particular activity for the term of three years. The sentence increases to twenty years imprisonment if the crime is committed by an organized group.

¶18. Although Georgian legislation is in compliance with international anti-trafficking standards, the Government of Georgia continues to adopt further regulations for the effective implementation of the existing laws. Decree of the President of Georgia N46 of January 20, 2009, adopted the "2009-2010 Action Plan" on the Fight against Trafficking. The Action Plan underlines the necessity of prevention and prosecution of the given crime and protection of witnesses. It envisages a clear monitoring system, where each state agency is obliged to report (once in 3 months) to the Permanent Interagency Coordination Council on the measures undertaken for the implementation of action plan. The Action Plan envisages various important measures to be taken for the fight against trafficking in minors and prevention of the crime. In particular:

--Awareness of minors regarding the risk of trafficking through educational programs in public schools.

--If necessary, research on trafficking in minors, particularly looking at the reasons of trafficking.

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--Training law-enforcement officials on trafficking in minors;

--Training lawyers/attorneys on the protection of victims of trafficking in minor.

¶19. In 2006, Georgia has ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children Supplementing the UN Convention against Transnational Organized Crime (Palermo Protocol). On November 24, 2006, the Georgian Parliament ratified the Council of Europe Convention on Fight against Trafficking in Human Beings. Georgia was the 5th state to ratify the Convention.

Institutions and Mechanisms for Enforcement

A) Hazardous Child Labor / Forced Child Labor

¶20. The Office of Labor Inspection within the Ministry of Labor, Health and Social Security, which was previously charged with identifying labor violations, receiving complaints and determining compliance with labor laws and regulations, was disbanded in 2006. In its place, a Labor Department was created at the Ministry to deal with labor violations and define state policy in that regard. In 2008 the Labor Department was also eliminated as a consequence of restructuring process at the Ministry, as well as Georgian government's decision to minimize labor regulations. There is now a Department for Social Protection under the same ministry, which includes the sub-department for Child Protection and Social Programs, which employs 12 specialists. The latter is mainly concerned with such policy issues as child adoption, foster care, rights of children, etc, including child labor. The given sub-department reports that it has not received child-employment related complaints in 2009. The policies that are developed by the sub-department are implemented by the Social Service Agency under the same ministry through the mechanism of social workers. In the event a violation of child labor laws is found to have occurred, Article 42 of the Administrative Violations Code empowers the courts to impose sanctions on the employer.

¶21. At the Ministry of Health and Social Affairs, one deputy minister focuses on labor issues; there is also a special advisor to the Minister for labor issues. The Ministry monitors adherence to accepted labor standards and drafts proposals for changes it deems necessary. The Parliamentary Committee of Health and Social

Security has general oversight over labor policy and considers labor related proposals submitted by the Ministry.

¶22. According to the Georgia's Prosecutor's office, there were no cases initiated under the articles governing child labor.

Institutions and Mechanisms for Effective Enforcement - Child trafficking

¶23. The State Fund for Protection and Assistance of (Statutory) Victims of Human Trafficking (VoT) was under the Ministry of Labor, Health and Social Protection is intended to protect, assist and rehabilitate the victims of human trafficking, including children. The State Fund employs 27 persons and receives information on trafficking cases from law-enforcement agencies, as well as the NGOs, the Public Defender's office and other sources. The Fund has two shelters for VoT. The first shelter started functioning in summer of 2006 in the region of Ajara. A second shelter was established in September 2007 in Tbilisi.

¶24. The Shelter provides the following services:

- A secure place of residence with decent living conditions;
- Food and clothes;
- Medical assistance;
- Psychological counseling;
- Legal assistance and court representation (including filing complaints, appearing in court proceedings as a witness, requesting asylum, obtaining documents for returning to the country of origin).
- Providing information in the language the victim understands;
- Participation in the long-term and short-term programs of rehabilitation and reintegration.

¶25. Each shelter has a social worker that provides relevant services to victims of trafficking.

¶26. According to the Georgian Prosecutor's Office, there was one case registered in September 2009 initiated by the Special Operative Department of the Ministry of Internal Affairs of Georgian under article 143a of the criminal Code of Georgia on child trafficking. The investigation is ongoing and therefore no prosecution has been initiated. The State fund confirms that there was only one case of child trafficking reported in 2009 (17-year old girl, victim of forced labor). The victim has been placed and still remains in a designated shelter while the investigation proceeds.

¶27. Coordination of anti-trafficking activities, including child trafficking, is implemented by different agencies and is ensured by the Interagency Coordination Council which was established based on a statutory mandate as a result of the 2006 law on Combating Human Trafficking. Apart from the representatives from state agencies, the Coordination Council consists of representatives from not-for-profit legal entities and international organizations working in the field, representatives from mass media and relevant specialists and scientists.

¶28. The Ministry of Justice of Georgia, including the Office of the Chief Prosecutor maintains a hotline for reporting on any human rights abuses including trafficking cases. Information on the hot line and a downloadable anti-trafficking banner is available on the website of the Ministry of Justice of Georgia: (<http://www.psg.gov.ge>). In 2009, two trafficking cases have been reported to the Office of the Chief Prosecutor of Georgia through the hot line.

¶29. The State Fund for Protection of and Assistance to (Statutory) Victims of Trafficking in Persons retains the A-TIP hotline and a website (<http://www.atipfund.gov.ge/>). Information in relation to the hotline is also publicly available via public posters and social advertisements on TV. In addition, the information regarding the A-TIP hotline as well as the assistance provided by the fund is also easily accessible on the website of the Ministry of Interior (<http://www.police.ge/index.php?m=426>)
Law enforcement authorities are trained in human rights related

issues on a regular basis. The fight against trafficking represents one of the main priorities in law enforcement and anti-trafficking training which includes training on trafficking in minors, is carried out on yearly basis.

¶30. On March 19-20, 2009, a training session was held at the Chief Prosecutor's Office, concerning the investigation and prosecution of the crime of trafficking. The training session was organized by the Council of Europe and was attended by thirty prosecutors and investigators. On April 7-8, 2009, a seminar was held on inter-agency cooperation among law-enforcement agencies regarding the trafficking of human beings. The training was organized with the support of the International Labor Organization (ILO). Twenty-four representatives of law enforcement agencies attended the seminar.

¶31. Police officers of the Ministry of Internal Affairs are trained at the Police Academy and all officers undergo intensive training and/or retraining courses at the Police Academy. The Basic Preparation Course for Patrol Police includes training on anti-trafficking activity, which covers general information on the given crime, Georgian legislation in the field, information regarding the victims of trafficking and measures of protection, etc. Furthermore, the Ministry's officials and representatives regularly participate in other trafficking related trainings and seminars. In 2009 three such trainings and seminars were conducted for the employees of the ministry under the umbrella of IOM, BSEC (Black Sea Economic Cooperation Organization), UNODC and the Swedish Institute.

Government Policies on Child Labor

¶32. The GoG relies on donor organizations to raise public awareness and provide training activities on child labor-related issues. In 2005 and 2006, UNICEF sponsored a project, implemented by the NGO World Vision, to support integration of street children into society. A series of training sessions were provided to both NGOs and government authorities and a public-awareness campaign was conducted.

¶33. ILO does not have a national representative in Georgia, but it opened a small office to coordinate its projects that focus on anti-trafficking in persons (TIP) activities. The GoG has agreed with the ILO to undertake an assessment of child labor. A Joint Rapid Assessment issued by ILO, Save the Children and UNICEF focused on conflict-affected (August war) children rather than on general child population and their issues.

¶34. Between 2004 and 2009, Government funding for alternative child care services increased almost 12 fold, from USD 480 thousand to USD 5.6 million. Since 2004, the number of state social workers providing family support, reintegration and foster care services increased from 51 to 193 (including 15 senior social workers), and the number of children in state child care institutions decreased by 73.6 percent (from 5200 to 1370). Boarding schools have been reorganized to give children the opportunity to integrate and study at the public schools. The Government set national minimum standards for family support and adopted family substitute services. Standards for family support and adopted family substitute services. The Government also provided Higher Education Grant programs for children who have been deprived of care (full coverage of Tuition and a stipend) and provided emergency assistance to families (medical or other).

¶35. In 2009 the GoG continued implementing the following programs:

- A program to support orphans and children deprived of parental care that has six subprograms aimed at providing higher and professional education to children who are graduates of child care institutions, to assist with their socialization and integration into society; assisting local government bodies with implementing foster care; cash assistance to vulnerable families to prevent abandonment of children; and improving equipment at children's homes and boarding schools.

- A Family Support Program aimed at consultation and psychological service for socially vulnerable families and their children, and for

teaching handicrafts to 14-16 year olds;

-- Children's Village and Day Care Centers aimed at improvement of conditions, educational opportunities and health care provisions for abandoned and disabled children;

-- Reorganization of residential institutions in Tbilisi;

-- Government support for USAID, UNICEF and Save the Children's Rebuilding Lives Project for street children, to use it for designing an appropriate strategy to respond to problems of this vulnerable group.

Social Programs to Prevent Involving Children in the Worst Forms of Child Labor

¶36. There are several NGOs that provide social services to street children. NGO - "Child and Environment" specifically focuses on creating opportunities for removing these children from the street (www.childandenvironment.org.ge). The NGO was set up in 1994 with the assistance of donor funding has provided invaluable support during the 15-year of its existence. Since 2004 "Child and Environment" has received funding from the USAID, enabling it to open and maintain one Night Shelter and three Day Centers (in Tbilisi, Rustavi and Chiatura), which offer not only nutrition, clothing and shelter to street children, but healthcare, educational and arts programs, vocational training and psychological services. In total, the NGO has been providing support to 350 street children per day countrywide and can boast of multiple success stories of relieving such children from begging and other inappropriate labor and reintegrating back into a normal life. Other NGOs operating in the same area are Beliki and Children of Georgia. World Vision and Every Child fund several additional NGOs that also work in this area. The GoG has recently introduced a voucher system through which the street children will receive support from the NGOs; however, there is a small percentage of street children whose unclear legal status or lack of documentation has resulted in them not receiving vouchers. USAID funding and technical assistance focuses on working with the GoG and NGOs to fix this gap in voucher program.

¶37. The GoG, through the Ministry of Education and Science, has made education reform a priority and has significantly increased expenditures for education over the past few years from 13.2 million USD in 2003 to 305 million USD budgeted for 2010. In 2009, 187 million USD were allocated to support primary and secondary schools (compared to 104 million in 2006) and around 210 USD is budgeted for 2010 for the same purpose. Reforms in the education sector have focused on improving the quality of education, and the creation of vocational-professional education opportunities. The GoG in 2006 provided funds for the construction of 34 new schools and complete rehabilitation of 57 schools, thus improving learning conditions for 300,000 children. These programs further continued in 2007, 2008, and 2009. Another GoG program focused on the computerization of schools throughout the country, benefiting over 600 schools. USAID has renovated 15 schools in Shida Kartli and is about to launch the renovation of another 50 schools in ethnic minority areas in 2010. However, hundreds of schools remain in need of repair.

¶38. Georgian legislation mandates compulsory primary and secondary education (nine academic years in total) and provides this school for free. Through various initiatives and programs the GoG has started providing free books for new school entrants, as well as free transportation for children in rural areas. However, the high price of school books still remains a serious concern. In 2010 the government has earmarked around 5 million USD for providing free textbooks to the children of vulnerable families below the poverty threshold.

¶39. In 2006, the Ministry of Education announced it was making vocational education a priority. Twelve centers of vocational education were set up in different areas. Starting in 2006, rehabilitation of vocational educational institutions began within the framework of a presidential program. In 2008, the GoG allocated 5.2 million USD for financing operations vocational schools, in 2009 increased it to USD 5.8 million and plans to maintain the same level

in 2010. Another USD 1.4 million has been earmarked for rehabilitating the existing vocational schools in 2010. The vocational schools program aims at attracting students by providing a quality education that corresponds to labor market requirements. Industry interest and response to this new program has been very positive. In the aftermath of the recent conflict with Russia, more than \$1.2 billion in reconstruction projects have been pledged by the GoG and international donors. In July 2008, USAID launched a \$2.4 million vocational training program to link two vocational centers in Tbilisi to employers in the tourism and light construction sectors. USAID has increased the funding of its current vocational 2-year training program to \$4.1 million to train approximately 5,000 Georgian workers in five vocational training centers located in the three largest cities in Georgia. This will help to fill job opportunities created by post-conflict reconstruction projects as well as secondary support industries through rapid, intensive courses that directly meet the needs of employers. These training courses are open to adults and youths above the age of 16 years.

140. As the lead coordination agency in the field of education, UNICEF spearheaded an initiative to ensure that all children had access to school at the start of the new academic year. This has been done through coordination and oversight of activities in the areas of rehabilitation and supplies for schools; registration of internally displaced children in local schools; assistance to the Ministry of Education and Science in providing alternative schooling arrangements for communities where schools are being used as collective centers; the provision of Mine Risk Education in schools in conflict-affected areas; training and support for teachers and staff from Educational Resource Centers and general support to the Ministry of Education and Science. UNICEF and its partner organizations are working with schools and municipal authorities to ensure that the lack of documentation and undefined status do not act as barriers to education for displaced children. UNICEF is also working with the Ministry of Education and Science to deliver day care activities and identify alternative preschool facilities where local kindergartens are still occupied by IDPs.

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